

PHILLIP A. TALBERT
United States Attorney
STEPHANIE M. STOKMAN
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099
Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TEMMY EDIA,

Defendant.

CASE NO. 1:21-CR-00130-JLT-SKO
1:22-MJ-00176-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: June 7, 2023
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on June 7, 2023.
2. By this stipulation, defendant now moves to continue the status conference until September 6, 2023, and to exclude time between June 7, 2023, and September 6, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes reports, photographs, and audio files. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
 - b) Counsel for defendant was appointed in November/December, and desires additional time to further review discovery, discuss potential resolution with his client and the

1 government, and investigate and prepare for trial.

2 c) A plea agreement has been provided to defendant and the parties request
3 additional time to work on a resolution before setting a trial date.

4 d) As such, the parties are not prepared nor ready to set a trial date at this time, and
5 will be prepared to discuss potential trial dates at the next status conference.

6 e) Counsel for defendant believes that failure to grant the above-requested
7 continuance would deny him/her the reasonable time necessary for effective preparation, taking
8 into account the exercise of due diligence.

9 f) The government does not object to the continuance.

10 g) Based on the above-stated findings, the ends of justice served by continuing the
11 case as requested outweigh the interest of the public and the defendant in a trial within the
12 original date prescribed by the Speedy Trial Act.

13 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
14 et seq., within which trial must commence, the time period of June 7, 2023 to September 6, 2023,
15 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
16 because it results from a continuance granted by the Court at defendants' request on the basis of
17 the Court's finding that the ends of justice served by taking such action outweigh the best interest
18 of the public and the defendants in a speedy trial.

19 i) The parties also agree that this continuance is necessary for several reasons,
20 including but not limited to, the need to permit time for the parties to exchange supplemental
21 discovery, engage in plea negotiations, and for the defense to continue its investigation and
22 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

23 //

24
25 //

26
27 //
28

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: May 23, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ STEPHANIE M. STOKMAN
STEPHANIE M. STOKMAN
Assistant United States Attorney

Dated: May 23, 2023

/s/ RICHARD BESHWATE
RICHARD BESHWATE
Counsel for Defendant
TEMMY EDIA

ORDER

IT IS SO ORDERED.

DATED: 5/26/2023

Sheila K. Oberto
THE HONORABLE SHEILA K. OBERTO
UNITED STATES MAGISTRATE JUDGE